HONOURABLE SRI JUSTICE D.S.R.VARMA

AND

HONOURABLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.10876 OF 2005

Dated:15.06.2006

Md. Iqbal Ali Zafer, Advocate,

Narsapur.

…Petitioner

The District Minorities Welfare Officer,

Medak and others.

…Respondents

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ORAL ORDER: *(per Hon'ble Sri Justice D.S.R.Varma)*

Heard the learned counsel appearing for the respondents.

2. This writ petition is taken up on the basis of a fax message, dated 29.04.2005, sent to this Court by one Md.Iqbal Ali Zafer, Advocate, Narsapur, Medak District, *inter alia*, complaining that respondents 4 to 10, who are the Qizzat Officers of different areas in twin cities, after dissolving the marriages, are issuing certificate to that effect to the husband and also receiving Mehar and Iddat period maintenance amount from the concerned but have not been paying the same to the muslim divorced women and those amounts are being kept with Qizzat Offices in Hyderabad.

3. Counter-affidavits have been filed by most of the respondents, who are the Qizzat Officers belonging to different areas, and also by the second respondent-Wakf Board. All the counter-affidavits are on the same lines stating, *inter alia*, that several marriages have been performed, out of which some ended in divorce in their respective Offices. The said divorces were effected with the consent of both the parties and wherever it was necessary, the amount of Meher together with Iddat period maintenance was paid to the muslim divorced women and certificates were also issued as per the Rules. It is further stated that no amount, as alleged by the petitioner, is pending in their Offices pertaining to the payment of dower and the Iddat period maintenance.

4. Basically, all the Quazis, against whom the petitioner made complaints, do belong to twin cities only. In such a case, it is rather incomprehensible as to how an Advocate belonging to a different district i.e., Medak District, can make such complaints against the said Quazis and also as to how he is related with these marriages and divorces. In any event, we are not prepared to express any opinion on the conduct of the petitioner in making the said complaint.

5. However, having regard to the facts and circumstances of the case, suffice to close the writ petition directing the second respondent to consider any complaint, as and when received by any affected person involved in divorce matters, seeking dower and maintenance for the Iddat period, and dispose of the same in accordance with law. It is also on record that on 04.10.2005, a Division Bench of this Court, at the stage of admission itself, passed orders, which read as under: -

> "In the meantime, the Wakf Board is directed to issue an advertisement in the local newspapers informing the public in general about the pendency of these proceedings and notify that if there is any lady who has been divorced and the dower has not been paid to her by her erstwhile husband or Quazi and the maintenance for iddat period, she may approach the Wakf Board for redressal of her grievance. If any such applications are received by the Wakf Board, they shall be placed before this Court."

6. In view of the same, suffice to close the writ petition with the following order: -

The Wakf Board is directed to issue an advertisement in the local newspapers informing the public in general about these proceedings and notify that if there is any lady who has been divorced and the dower has not been paid to her by her erstwhile husband or Quazi and the maintenance for Iddat period, she may approach the Wakf Board for redressal of her grievance. Upon receipt of such petition, the Wakf Board shall dispose of the same in accordance with law.

7. With the above directions, the writ petition is closed at the stage of admission.

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D.S.R.VARMA, J

15.06.2006

DR

P.SWAROOP REDDY, J